

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**WILENTZ, GOLDMAN & SPITZER, P.A.**

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In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR AN ORDER  
MODIFYING THE AUTOMATIC STAY AND PLAN INJUNCTION TO ALLOW  
MOVANT TO CONTINUE PENDING LITIGATION AGAINST THE DEBTOR  
AND RECOVER SOLELY AGAINST DEBTOR'S INSURER, WAIVING THE  
PROVISIONS OF FED. R. BANKR. P. 4001 (a)(3) AND FOR RELATED RELIEF**

I, Frank V. Cesarone of full age, upon his oath deposes and says as follows:

1. I am an attorney at law of the State of Illinois and am a member of the law firm of Meyers & Flowers, LLC, which is acting as counsel for Victoria Foster ("Movant" or "Foster"), a personal injury claimant involving injuries sustained resulting from a pressure cooker sold and distributed by Bed Bath & Beyond Inc. (the "Debtor"), referenced in the above Chapter 11 proceeding.

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

2. In preparing this Certification, I reviewed and relied upon the State Court docket and the assistance and support of my law firm's staff in assembling the information. The information contained herein is accurate and true to the best of my knowledge, information and belief.

3. Foster suffered substantial personal injuries from an incident involving a pressure cooker that Foster's mother purchased at a retail store operated by the Debtor.

4. Foster filed prior to the commencement of this bankruptcy case, a State Court lawsuit styled as Foster v. Bed Bath & Beyond, Inc., et al., Superior Court of New Jersey, Essex County, Case No. L-2348-21 (the "State Court Action").


5. On March 29, 2022, Foster filed her First Amended Complaint in the State Court Action, which remains operative as of today. A genuine copy of the First Amended Complaint is attached hereto as Exhibit A.

6. On or about October 31, 2022, in the State Court Action the Debtor responded to Foster's Interrogatory Number 13, and identified available insurance policy to cover the claims in the State Court Action but did not produce a copy of any such policy of insurance. A genuine copy of the Debtor's Interrogatory Answers are attached hereto as Exhibit B.

7. Foster now seeks relief from the Automatic Stay to continue to prosecute the State Court Action and to recover only against the Debtor's insurers and insurance policies.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 11, 2023

  
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Frank V. Cesarone